

June 15 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 10-0266

FILED

JUN 15 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

O R D E R

IN THE MATTER OF MARVIN E. ALBACK,

An Attorney at Law,

Respondent.

The Office of Disciplinary Counsel (ODC) has filed a petition asking us to determine, pursuant to Rule 23 of the Montana Rules for Lawyer Disciplinary Enforcement, whether Marvin E. Alback's convictions of wire fraud and bankruptcy fraud in the United States District Court for Montana are criminal offenses that affect his ability to practice law. ODC ask that, in the event we determine Alback's convictions affect his ability to practice law, we issue an order immediately suspending him from the practice of law pending final disposition of disciplinary proceedings predicated upon those convictions. Finally, ODC asks us to direct it to prepare and file a formal complaint against Alback predicated upon his convictions.

Although Alback resigned his membership in the State Bar of Montana on November 6, 2009, the conduct of which he was convicted occurred prior to his resignation. We conclude the criminal offenses of which Alback has been convicted are offenses that affect his ability to practice law.

THEREFORE,

IT IS ORDERED that Marvin E. Alback is suspended from the practice of law in the state of Montana, effective immediately, and pending final disposition of disciplinary proceedings against him.

IT IS FURTHER ORDERED that ODC shall prepare and file a formal complaint against Alback predicated upon his convictions.

The Clerk is directed to serve a copy of this Order on Marvin E. Alback at his last known address and to provide copies of this Order to ODC and the Commission on Practice.

DATED this 15th day of June, 2010.

Chief Justice

David E. Michael

Michael E. Michael

Patricia Carter

Jim Rice

W. William Lophart

Justices